



PATENT
Customer No. 22,852
Attorney Docket No. 03495-0207-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Valerie BAUBET et al.

Serial No.: 09/863,901

Filed: May 24, 2001

For: CHIMERIC GFP-AEQUORIN AS
BIOLUMINESCENT Ca++
REPORTERS AT THE SINGLE
CELL LEVEL

Group Art Unit: 1653

Examiner: Mayes, L.A.

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

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RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated January 2, 2003, Paper No. 8, the Office
required restriction under 35 U.S.C. § 121 between the following groups of claims:

- I. Claims 1 and 16-18, drawn to a method of screening *in vivo* a change in a physical, biochemical, or biological condition, classified in class 435, subclass 7.1;
- II. Claims 2, 3, 15, 26, 33, 38, 39, and 40-52, drawn to a protein and a protein system, classified in class 530, subclass 350;
- III. Claims 9, 19, 27, 32, and 53-56, drawn to polynucleotides in class 536, subclass 23.1 and cells and kits containing polynucleotides, classified in class 435, subclass 325 and 320.1.

In addition, the Office required that if Group I or Group II is elected, one polypeptide must be elected by its SEQ ID NO, and if Group III is elected, the election of one polynucleotide sequence by SEQ ID NO is also required.

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Applicants provisionally elect to prosecute Group II, claims 2, 3, 15, 26, 33, 38, 39, and 40-52, drawn to a protein and a protein system. In addition, the polypeptide of SEQ ID NO: 5, which includes the amino acid sequence of SEQ ID NO: 22, is elected.

~~Please grant any extensions of time required to enter this response and charge~~
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 31, 2003

By: 

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